



2026:AHC:57233

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38489 of 2025

Sandeep

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Devesh Kumar Gupta

Counsel for Opposite Party(s) : G.A., Ram Dyal Kushwaha, Surendra
Kumar Verma

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and Sri Surendras Kumar Verma, counsel for the informant. Perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 96 of 2025, under Sections 137(2), 87, 70(2), 115(2) B.N.S. and Section 5/6 of POCSO, Police Station- Hathgaon, District- Fatehpur during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The first information report was lodged by the victim herself. As per the first information report and the statement of the victim under Sections 180 and 183 B.N.S.S. the victim is aged 19 years. According to the school leaving certificate the age of the victim was around 18 year and 11 months. According to the high school certificate dated 10.6.2007 the victim was found aged 17 years and 11 months. It is contended that in view of two conflicting educational certificates the benefit ought to be given to the applicant at this stage. The victim in major. Further placing reliance on the statements of the victim under Sections 180 and 183 B.N.S.S. it is contended that the victim has left her house voluntarily and had gone to Allahabad. At Allahabad she met the applicant and thereafter went to various places. She did not raise any protest or alarm. The conduct of the victim shows that she was a consenting party. The applicant is in jail since 22.5.2025 having no criminal history. In case he is enlarged on bail, he

will not misuse the said liberty.

4. Counsel for the informant submits that he has no objection if the applicant is released on bail. The applicant intends to marry the victim.

5. Learned A.G.A. for the State opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that as per the statements of the victim under Sections 180 and 183 B.N.S.S. the victim has left her house voluntarily and had gone to Allahabad. At Allahabad she met the applicant and thereafter went to various places. She did not raise any protest or alarm. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant has no criminal antecedents. Further the applicant has presently remained confined for more than nine months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Sandeep** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not tamper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Vivek Varma,J.)

March 19, 2026
S.S.